# U.S. Trademark Electronic Search System (TESS)

*TESS was last updated on Wed Jun 27 04:33:23 EDT 2001*



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Check Status *(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)*

WHOLE EARTH CATALOG

| | |
|---|---|
| **Word Mark** | **WHOLE EARTH** CATALOG |
| **Goods and Services** | IC 016. US 002 005 022 023 029 037 038 050. G & S: books which catalog a wide range of products and services available from third parties in the fields of the environment, personal health and lifestyles. FIRST USE: 19680000. FIRST USE IN COMMERCE: 19680000 |
| **Mark Drawing Code** | (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS |
| **Design Search Code** | 010701 270305 |
| **Serial Number** | 74582938 |
| **Filing Date** | October 6, 1994 |
| **Published for Opposition** | June 20, 1995 |
| **Registration Number** | 1917931 |
| **Registration Date** | September 12, 1995 |
| **Owner** | (REGISTRANT) Point Foundation NOT-FOR-PROFIT CORPORATION CALIFORNIA 27 Gate Five Road Sausalito CALIFORNIA 94965 |

# The United States of America

CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, as amended, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for TEN years unless sooner terminated as provided by law.

**In Testimony whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this twelfth day of September 1995.**

Bruce Lehman

Commissioner of Patents and Trademarks

PTO-130
(Rev. 8-89)

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 1,917,931

# United States Patent and Trademark Office

Registered Sep. 12, 1995

## TRADEMARK
## PRINCIPAL REGISTER

WHOLE EARTH CATALOG

POINT FOUNDATION (CALIFORNIA NOT-FOR-PROFIT CORPORATION)
27 GATE FIVE ROAD
SAUSALITO, CA 94965

FOR: BOOKS WHICH CATALOG A WIDE RANGE OF PRODUCTS AND SERVICES AVAILABLE FROM THIRD PARTIES IN THE FIELDS OF THE ENVIRONMENT, PERSONAL HEALTH AND LIFESTYLES, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 0-0-1968; IN COMMERCE 0-0-1968.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CATALOG", APART FROM THE MARK AS SHOWN.

SER. NO. 74-582,938, FILED 10-6-1994.

STEVEN R. FOSTER, EXAMINING ATTORNEY

**CLASS 16—(Continued).**

SN 74-582,483. JULIANO, ALFRED, HEWLETT, NY. FILED 10-5-1994.

## THE PESTOID

FOR PRINTED MATTER, NAMELY COMIC STRIPS (U.S. CL. 38).
FIRST USE 9-0-1994; IN COMMERCE 9-0-1994.

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SN 74-582,801. SACKS, JONATHAN, WOODSIDE, CA. FILED 10-6-1994.

## VIRTUALCITY ONLINE, CD-ROM & INTERACTIVE CULTURE

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ONLINE, CD-ROM & INTERACTIVE CULTURE", APART FROM THE MARK AS SHOWN.
FOR MAGAZINE FOR ONLINE, CD-ROM AND INTERACTIVE SERVICE USERS (U.S. CL. 38).

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SN 74-582,905. WICKERSHAM, KATHRYN, HARRISON, NE. FILED 10-6-1994.

FOR APPLIQUES IN THE FORM OF DECALS, TO BE APPLIED TO DECORATIVE ITEMS IN A CHILD'S ROOM, TO TOYS AND TO GAMES (U.S. CL..35).

**CLASS 16—(Continued).**

SN 74-582,906. WICKERSHAM, KATHRYN, HARRISON, NE. FILED 10-6-1994.

The Collection
by Merit Design

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COLLECTION" AND "DESIGN", APART FROM THE MARK AS SHOWN.
FOR APPLIQUES IN THE FORM OF DECALS, TO BE APPLIED TO DECORATIVE ITEMS IN A CHILD'S ROOM, TO TOYS AND TO GAMES (U.S. CL. 38).

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SN 74-582,938. POINT FOUNDATION, SAUSALITO, CA. FILED 10-6-1994.

WHOLE EARTH
CATALOG

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CATALOG", APART FROM THE MARK AS SHOWN.
FOR BOOKS WHICH CATALOG A WIDE RANGE OF PRODUCTS AND SERVICES AVAILABLE FROM THIRD PARTIES IN THE FIELDS OF THE ENVIRONMENT, PERSONAL HEALTH AND LIFESTYLES (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).
FIRST USE 0-0-1968; IN COMMERCE 0-0-1968.

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SN 74-583,050. UPPER DECK COMPANY, THE, CARLSBAD, CA. FILED 10-6-1994.

## ROAD TO THE SHOW

FOR TRADING CARDS, STICKERS AND POSTERS (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

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SN 74-583,247. P.H. GLATFELTER COMPANY, SPRING GROVE, PA. FILED 10-7-1994.

## EDITORS

FOR RECYCLED UNCOATED PRINTING AND WRITING PAPER (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).
FIRST USE 4-5-1994; IN COMMERCE 5-10-1994.

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

| SERIAL NO. | APPLICANT | PAPER NO. |
|---|---|---|
| 74/582938 | Point Foundation | |

**MARK**
WHOLE EARTH CATALOG AND DESIGN

**ADDRESS**
Edward H. Rosenthal
Frankfurt, Garbus, Klein & Selz
488 MADISON AVENUE
NEW YORK, NY 10022

**ACTION NO.** 01

**MAILING DATE** 03/09/95

**REF. NO.** 0542103000.62

**ADDRESS**
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

The address of all correspondence not containing fee payment should include the word "BOX 5."

**Please provide in all correspondence:**
1. Your telephone number and Zip Code.
2. Mailing date of this action.
3. Examining attorney's name and law number.

FORM PTO-1525 (5-90) U.S. DEPT. OF COMM. PAT. & TM OFFICE

TRADEMARK LAW OFFICE 8
Serial Number: 74/582938
Mark: WHOLE EARTH CATALOG & DESIGN
**Please Place on Upper Right Corner**
**of Response to Office Action ONLY **

Steven Rosin | Edward H. Rosenthal ☐ APPLICANT ☑ ATTORNEY

| ☐ PERSONAL INTERVIEW ☑ TELEPHONE CALL | INTERVIEW DATE | AREA CODE | TELEPHONE NUMBER |
|---|---|---|---|
| | 3/06/95 | 212 | 980-0120 |

CALL RECORD

1. ☐ **PRIORITY ACTION:** To comply with stated application requirements, Applicant or Applicant's attorney has two months from the above mailing date for this case to be given priority as an amended case. If Applicant or Applicant's attorney does not respond within two months, a proper response must still be made within **SIX MONTHS** from the mailing date in order to avoid **ABANDONMENT.**

2. ☑ **EXAMINER'S AMENDMENT:** In accordance with the authorization granted by the above Applicant or attorney, the application has been amended as indicated below. No response is necessary unless there is an objection to the amendment.

3. ☑ The Examining Attorney has searched the Office records and has found no similar registered or pending marks which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d) (1986).

Amend the identification of goods to read:
Books which catalog a wide range of products and services available from third parties in the fields of the environment, personal health and lifestyles. In class 16
Enter the following:
No claim is made to the exclusive right to use "catalog" apart from the mark as shown.

*EXAMINING ATTORNEY SIGNATURE* | *LAW OFFICE* 8 | (703) 308-9108 *PHONE* Ext 145

*NAME*

FORM PTO-1398 (REV. 8/94) U.S. DEPARTMENT OF COMMERCE-Patent and Trademark Office

# FILING RECEIPT FOR TRADEMARK APPLICATION

01/26/95

Receipt on the DATE OF FILING of the application for registration and filing fees is acknowledged for the mark identified below. The DATE OF FILING is contingent upon the collection of any payment made by check or draft. Your application will be considered in the order in which it was received and you will be notified as to the examination thereof. Correspondence should be expected from the Patent and Trademark Office in approximately 06 months. When inquiring about this application, include the SERIAL NUMBER, DATE OF FILING, OWNER NAME and MARK.

TMPRE

Edward H. Rosenthal
Frankfurt, Garbus, Klein & Selz
488 MADISON AVENUE
NEW YORK, NY 10022

ATTORNEY
REFERENCE NUMBER
054210300.623

**PLEASE REVIEW THE ACCURACY OF THE FILING RECEIPT DATA.**

A request for correction of any information on this filing receipt should be submitted within 30 days to the following address: ASSISTANT COMMISSIONER FOR TRADEMARKS, 2900 Crystal Drive, Arlington, Va. 22202-3513. The correspondence should be marked to the attention of the Office of Program Control. The Patent and Trademark Office will review the request and make corrections when appropriate.

**SERIAL NUMBER:** 74/582938 **DATE OF FILING:** 10/06/1994
**MARK:** WHOLE EARTH CATALOG®
**MARK TYPE(S):** TRADEMARK
**DRAWING TYPE:** WORDS, LETTERS, OR NUMBERS AND DESIGN
**SECTION 1(A):** YES **SECTION 1(B):** NO **SECTION 44:** NO

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**ATTORNEY:** Edward H. Rosenthal
**OWNER NAME:** Point Foundation
**OWNER ADDRESS:** 27 Gate Five Road
Sausalito
CALIFORNIA 94965
**ENTITY:** NOT-FOR-PROFIT CORPORATION
**CITIZENSHIP/DOMICILE:** CALIFORNIA

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| INTERNATIONAL CLASS | DATE OF FIRST USE | DATE OF FIRST USE IN COMMERCE |
|---|---|---|
| 016 | 00/00/1968 | 00/00/1968 |

ONLY THOSE DATES OF USE AND CLASSES FILED UNDER SECTION 1(A) ARE LISTED

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## GOODS/SERVICES BY INTERNATIONAL CLASS

016-series of books

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

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ADDITIONAL INFORMATION MAY BE PRESENT IN THE PTO RECORDS

*TRADEMARK APPLICATION,*
*PRINCIPAL REGISTER,*
*WITH DECLARATION*

*WHOLE EARTH CATALOG and Design*
*International Class: 16*

*To the Commissioner of Patents and Trademarks:*

*Point Foundation, a not-for-profit corporation organized under the laws of the State of California with offices located at 27 Gate Five Road Sausalito, CA 94965, identified as Applicant herein, has adopted and is using the trademark shown in the accompanying drawing herein, for the following goods:*

*Series of Books*

*and requests that said mark be registered in the United States Patent and Trademark office on the Principal Register established by the Act of July 5, 1946, 15 U.S.C. §1051 et seq. as amended.*

*The mark was first used in connection with the goods as early as 1968; was first used in connection with the services rendered in interstate commerce as early as 1968; and is now in use in such commerce. The mark is used on the goods themselves. Three specimens showing the mark in use are presented herewith.*

## POWER OF ATTORNEY

The undersigned hereby appoints as its attorney Edward H. Rosenthal, c/o Frankfurt, Garbus, Klein & Selz, P.C., 488 Madison Avenue, New York, New York 10022, with full power of substitution, association and revocation, to prosecute this Application to register and to transact all business in the United States Patent and Trademark office in connection herewith, and to receive the Certificate of Registration.

Please direct all correspondence and telephone calls to Edward H. Rosenthal, c/o Frankfurt, Garbus, Klein & Selz, P.C., 488 Madison Avenue, New York, New York 10022, telephone number (212) 980-0120.

## DECLARATION

Peggy Lauer, hereby warned that willful and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom, declares that she is the President of the applicant herein; she believes said applicant to be the owner of the mark sought to be registered; to the best of her knowledge and belief no

other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true, and that all statements made on information and belief are believed to be true.

POINT FOUNDATION

By: Peggy Lauer
Peggy Lauer, President

DATE: 10 · 2 · 94

*Point Foundation*
*27 Gate Five Road*
*Sausalito, CA 94965*

*First Use: As early as 1968*

*Frst Use in Commerce: As early as 1968*

*Goods: Series of Books*

WHOLE
EARTH
CATALOG

**From:** David Bolling <david@wholeearthmag.com>
**To:** Deirdre Clarke <DClarke@FGKS.COM>
**Date:** 6/27/01 1:51PM
**Subject:** Re: Whole Earth trademarks

Deirdre:

Thanks for your quick response. Yes, I think we will handle the matter in-house and I would appreciate your forwarding the files. If it's not self-evident I'd also appreciate clarification on the time frame for filing.

Thanks very much,

David Bolling
--
David Bolling
Whole Earth magazine
415.256.2800 ext. 225 * Fax: 415-256-2808
http://www.wholeearth.com

**From:** Deirdre Clarke
**To:** Bolling, David
**Date:** 6/27/01 11:27AM
**Subject:** Re: Whole Earth trademarks

Dear David:

Thank you for your response. The filing of an Affidavit of Use is routine enough for your in-house counsel to handle. To that end, this will confirm that our firm will no longer be handling these trademark matters, and they will be removed from our docket.

On a related matter, would you like for us to forward the files to your offices.
Please advise.

Sincerely,

Deirdre

>>> David Bolling <david@wholeearthmag.com> 06/25/01 07:19PM >>>
Dear Deirdre:

I am the new publisher of Whole Earath Magazine and Mike Stone passed along your letter of June 19. Thanks for alerting us to the need for filing affidavits of use. I am assuming this is a routine matter that we can handle in-house. If not, please advise me regarding the necessary steps.

Thanks very much.

David Bolling
--
David Bolling
Whole Earth magazine
415.256.2800 ext. 225 * Fax: 415-256-2808
http://www.wholeearth.com

Frankfurt Garbus Kurnit Klein & Selz, PC

Attorneys at Law

488 Madison Avenue
New York, New York 10022
Tel: (212) 980-0120
Fax: (212) 593-9175

Deirdre Clarke
*Paralegal*
Extension: 6715
email: dclarke@fgks.com

June 19, 2001

Mike Stone
Point Foundation
1408 Mission Avenue
San Rafael, CA 94015

Re: U. S. Trademark Registrations
**WHOLE EARTH CATALOG** in Class 16
**WHOLE EARTH CATALOG AND DESIGN** in Class 16
**WHOLE EARTH REVIEW** in Class 16
**WHOLE EARTH REVIEW AND DESIGN** in Class 16

Dear Mr. Stone:

Our firm obtained trademark registrations on behalf of the Point Foundation for the above-captioned marks. Although our firm has not performed any work for the Point Foundation since the completion of the registration process, the trademarks remain on our docket. Accordingly, we would like to advise you that affidavits of use must be filed for these trademarks between the fifth and sixth anniversaries of the dates of registration. The affidavits attest to your company's current use of the marks in interstate commerce. The above trademarks have entered into the aforementioned time frame.

Kindly contact us at your earliest convenience so that we may discuss how you would like this matter handled.

Sincerely,

Deirdre Clarke

cc: Michael P. Frankfurt, Esq.
Edward H. Rosenthal, Esq.

Frankfurt Garbus Kurnit Klein & Selz, PC

Attorneys at Law

488 Madison Avenue
New York, New York 10022
Tel: (212) 980-0120
Fax: (212) 593-9175

Deirdre Clarke
*Paralegal*
Extension: 6715
email: dclarke@fgks.com

March 27, 2001

***Six- Month Reminder***

Mr. Tyrone Cashman
c/o Gregory M. Fox, Esq.
Bertrand, Fox & Elliot
2749 Hyde Street
San Francisco, CA 94109-1222

Re: U. S. Trademark Registrations
**WHOLE EARTH CATALOG** in Class 16
**WHOLE EARTH CATALOG AND DESIGN** in Class 16
**WHOLE EARTH REVIEW** in Class 16
**WHOLE EARTH REVIEW AND DESIGN** in Class 16

Dear Mr. Cashman:

Further to our letter of September 20, 2000, our firm obtained trademark registrations on behalf of the Point Foundation for the above-captioned marks. Although our firm has not performed any work for the Point Foundation since the completion of the registration process, the trademarks remain on our docket. Accordingly, we would like to advise you that affidavits of use must be filed for these trademarks between the fifth and sixth anniversaries of the dates of registration. The affidavits attest to your company's current use of the marks in interstate commerce. The above trademarks have entered into the aforementioned time frame.

Kindly contact us at your earliest convenience so that we may discuss how you would like this matter handled.

Sincerely,

Deirdre Clarke

cc: Michael P. Frankfurt, Esq.
Edward H. Rosenthal, Esq.

#223

# M E M O R A N D U M

TO: File

FROM: Paul J. LePore

RE: Point Foundation

DATE: March 19, 1997

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At the request of Michael Stone, all correspondence regarding Point Foundation trademarks should be forwarded to:

MR. ALEX GAULT
POINT FOUNDATION
27 GATE FIVE ROAD
SAUSALITO, CA 94965
TEL: 415-256-2800

FRANKFURT, GARBUS, KLEIN & SELZ
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
488 MADISON AVENUE
NEW YORK, NEW YORK 10022
(212) 980-0120

September 3, 1996

Mr. Michael Stone
Point Foundation
27 Gate Five Road
Sausalito, CA 94965

Re: Trademark Application
WHOLE EARTH CATALOG
Reg. No.: 1,917,931
Int'l Class 016
(05421-0300-623)

Dear Mr. Stone:

We are pleased to inform you that a Certificate of Registration has been issued for the above trademark. We have enclosed a photocopy of the Registration Certificate and will keep the original in our files. The registration is effective September 12, 1995 and will be in full force and effect for ten (10) years until September 12, 2005.

Under trademark law, an affidavit of continued use must be filed during the sixth year of registration. This means that an affidavit must be filed between September 12, 2000 and September 12, 2001. This Affidavit attests to your use of the trademark in interstate commerce for five consecutive years.

If the Affidavit is not filed with the trademark office by September 12, 2001, then your rights to the registration will automatically lapse. It is important that you record these dates for your files.

In order to inform others of your rights to the marks, the ® notice should be included whenever the marks are used.

If you have any questions, please contact me or Ned Rosenthal at (212) 980-0120.

Sincerely yours,

Hilary S. Geier
Supervising Paralegal

HSG/ms
Encls.

cc: Edward H. Rosenthal, Esq.

# The United States of America

CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, as amended, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for TEN years unless sooner terminated as provided by law.

**In Testimony whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this twelfth day of September 1995.**

Bruce Lehman

**Commissioner of Patents and Trademarks**

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 1,917,931

# United States Patent and Trademark Office

Registered Sep. 12, 1995

## TRADEMARK
## PRINCIPAL REGISTER

WHOLE EARTH CATALOG

POINT FOUNDATION (CALIFORNIA NOT-FOR-PROFIT CORPORATION)
27 GATE FIVE ROAD
SAUSALITO, CA 94965

FOR: BOOKS WHICH CATALOG A WIDE RANGE OF PRODUCTS AND SERVICES AVAILABLE FROM THIRD PARTIES IN THE FIELDS OF THE ENVIRONMENT, PERSONAL HEALTH AND LIFESTYLES, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 0-0-1968; IN COMMERCE 0-0-1968.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CATALOG", APART FROM THE MARK AS SHOWN.

SER. NO. 74-582,938, FILED 10-6-1994.

STEVEN R. FOSTER, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 1,917,931

# United States Patent and Trademark Office

Registered Sep. 12, 1995

## TRADEMARK
## PRINCIPAL REGISTER

WHOLE EARTH CATALOG

POINT FOUNDATION (CALIFORNIA NOT-FOR-PROFIT CORPORATION)
27 GATE FIVE ROAD
SAUSALITO, CA 94965

FOR: BOOKS WHICH CATALOG A WIDE RANGE OF PRODUCTS AND SERVICES AVAILABLE FROM THIRD PARTIES IN THE FIELDS OF THE ENVIRONMENT, PERSONAL HEALTH AND LIFESTYLES, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 0-0-1968; IN COMMERCE 0-0-1968.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CATALOG", APART FROM THE MARK AS SHOWN.

SER. NO. 74-582,938, FILED 10-6-1994.

STEVEN R. FOSTER, EXAMINING ATTORNEY

Entered 10-16-95

FRANKFURT, GARBUS, KLEIN & SELZ
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
488 MADISON AVENUE
NEW YORK, NEW YORK 10022
(212) 980-0120

ARTHUR J. KLEIN (1932-1993)
MARTIN GARBUS
MICHAEL P. FRANKFURT
THOMAS D. SELZ
ARTHUR J. GINSBURG
ROBERT N. SOLOMON
ROBERT G. WISE
RICHARD KURNIT
RICHARD B. HELLER
JERROLD B. SPIEGEL
GERALD E. SINGLETON
RICHARD HOFSTETTER
EDWARD H. ROSENTHAL
MAURA J. WOGAN
IRA SCHRECK
SETH D. GELBLUM
RUSSELL A. SMITH
LISA E. DAVIS

GAVIN D. McELROY
JANE M. ABERNETHY
JILL N. GOLDSTEIN
CANDICE STEIN KERSH
JAIME M. WOLF
DAVID Y. ATLAS
JOSEPH J. DAPELLO
TIMOTHY M. CRAIG
KYRAN CASSIDY
MICHAEL J. LUISI
ELIZABETH QUINN PEARCE
AMY A. CIBINIC

COUNSEL
RONALD S. KONECKY
STUART SILFEN

TRUSTS & ESTATES COUNSEL
HEIDI K. FREUND

FACSIMILE
(212) 593-9175
(212) 758-7954

DIRECT DIAL NUMBER
826-5581

May 16, 1995

VIA FACSIMILE (415) 332-3110

Mr. Tyrone Cashman
Point Foundation
27 Gate Five Road
Sausalito, CA 94965

Re: Point Foundation (5421-0300)

Dear Mr. Cashman,

We have applied for eight registrations of the mark WHOLE EARTH CATALOGUE, or variations thereof. The status of these applications is as follows:

Application Serial No. 74/582,937

This application is to register the mark WHOLE EARTH CATALOGUE in International Class 16. It was filed on October 6, 1994 and there has been an Examiner's Amendment modifying the description of goods to read:

> "books which catalogue a wide range of products and services available from third parties in the fields of the environment, personal health and lifestyles."

In addition, the term "CATALOGUE" has been disclaimed.

Application Serial No. 74/582,938

This application is to register the mark WHOLE EARTH CATALOGUE and Design in International Class 16. It was filed on October 6, 1994, and an Examiner's Amendment, including disclaimer, is identical to that of Application Serial No. 74/582,937, above.

Application Serial No. 74/582,929

This application is to register the mark WHOLE EARTH CATALOGUE in International Class 9. It was filed on October 6, 1994, for "CD-ROMs, computer software, video cassettes and audio cassettes in the field of the environment, personal health, lifestyles and other topics of general interest." In an Examiner's Amendment, the term "CATALOGUE" has been disclaimed.

Application Serial No. 74/582,927

This application is to register the mark WHOLE EARTH CATALOGUE in International Class 28. It was filed on October 6, 1994 and an Examiner's Amendment was issued modifying the original description of goods to read:

> "video games and accessories, namely, computer game cartridges and computer game equipment containing memory devices, namely discs."

There have been no disclaimers.

Application Serial No. 74/582,928

This application is to register the mark WHOLE EARTH CATALOGUE in International Class 41. It was filed on October 6, 1994 and an Examiner's Amendment was issued modifying the description of goods to read:

> "entertainment services in the nature of a television series in the field of the environment, personal health and lifestyles."

There have been no disclaimers.

Application Serial No. 74/582,925

This application is to register the mark WHOLE EARTH CATALOGUE in International Class 42. It was filed October 6, 1994, and an Examiner's Amendment was issued modifying the description of goods to read:

> "providing access to an interactive computer database in the field of information about available research materials in the field of the environment, personal health and lifestyles to adults and children; mail order catalogue services in the filed of a wide range of products and services available from third parties in the filed of the environment and personal health and lifestyles."

The term "CATALOGUE" has been disclaimed.

Application Serial No. 74/582,936

This application is to register the mark WHOLE EARTH REVIEW in International Class 16 for magazines. It was filed on October 6, 1994. In an Examiner's Amendment, the term "REVIEW" has been disclaimed.

Application Serial No. 74/582,930

This application is to register the mark WHOLE EARTH REVIEW and Design in International Class 16 for magazines. It was filed on October 6, 1994. In an Examiner's Amendment, the term "REVIEW" has been disclaimed.

We are awaiting Notices of Publication for all of these applications. We will let you know when we receive them. Please call me if you have any questions.

Sincerely,

Evan M. Gsell

EMG/eb.103
Enclosure

FRANKFURT, GARBUS, KLEIN & SELZ
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
488 MADISON AVENUE
NEW YORK, NEW YORK 10022
(212) 980-0120

October 5, 1994

Via Express Mail

Assistant Commissioner for Trademarks
Box Trademark Application
2900 Crystal Drive
Arlington, VA 22202-3513

Re: Trademark Application
Mark: WHOLE EARTH CATALOG & DESIGN
Intl. Class: 16
Our Ref: 054210300-623

Dear Sir/Madam:

Enclosed please find an application to register the above-referenced mark. Also enclosed is a drawing, three specimens showing the mark as used and a check in the amount of $245.00 made payable to the "Commissioner of Patents and Trademarks".

Please charge any additional fees or credit any overpayment to Deposit Account No. 06-1839.

Kindly date stamp and return the enclosed postcard to confirm receipt.

Respectfully submitted,

FRANKFURT, GARBUS, KLEIN & SELZ, P.C.

Hayley Matcovsky

Hayley Matcovsky
Legal Assistant

HM/mc/Enc.

cc: Edward H. Rosenthal, Esq.
Jaime Wolf, Esq.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service by Express Mail No. TB677001589 in an envelope addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on October 5, 1994.

Hayley Matcovsky

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Point Foundation

Mark: WHOLE EARTH REVIEW & Design
Class: 16
Filed: Concurrently Herewith
Our Ref: 5421-0300-629

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Enclosed are:

1) Transmittal Letter
2) Trademark Application w/drawing
3) Check in the amount of $245 to cover filing fee
4) Three Specimens
4) Return Postcard

KINDLY DATE STAMP TO CONFIRM RECEIPT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Point Foundation

Mark: WHOLE EARTH REVIEW
Class: 16
Filed: Concurrently Herewith
Our Ref: 5421-0300-628

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Enclosed are:

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KINDLY DATE STAMP TO CONFIRM RECEIPT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of POINT FOUNDATION

rk: WHOLE EARTH CATALOG
ass: 9
led: Concurrently Herewith
r Ref: 5421-0300-624

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) Check in the amount of $245 to cover filing fee
) Return Postcard

INDLY DATE STAMP TO CONFIRM RECEIPT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Point Foundation

Mark: WHOLE EARTH CATALOG & Design
Class: 16
Filed: Concurrently Herewith
Our Ref: 5421-0300-622

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Enclosed are:

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4) Three Specimens
4) Return Postcard

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**POINT FOUNDATION**
27 GATE 5 ROAD 332-1716
SAUSALITO, CA 94965

12899

90-4021/1211
506

September 29 19 94

PAY TO THE ORDER OF Commission of Patents $ 245.00

Two Hundred Forty-Five and 00/00 DOLLARS

THIS CHECK IS DELIVERED IN CONNECTION WITH THE FOLLOWING ACCOUNTS

| | | | |
|---|---|---|---|
| | MILLENNIUM WHOLE | | |
| | EARTH CATALOG | | |
| | TRADEMARK | | |
| | | | |

Michael K Stone
Flacer Flower

WESTAMERICA BANK N.A.
SAUSALITO OFFICE 1.800.848.1088
P.O. BOX 500 • ONE HARBOR DRIVE
SAUSALITO, CA 94966

⑈012899⑈ ⑆121140218⑆ 050660246⑈

**POINT FOUNDATION**
27 GATE 5 ROAD 332-1716
SAUSALITO, CA 94965

12898

90-4021/1211
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| | TRADEMARK | | |
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**POINT FOUNDATION**
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12901

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| | TRADEMARK | | |
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SAUSALITO, CA 94965

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| | MILLENNIUM WHOLE | | |
| | EARTH CATALOG | | |
| | TRADE MARK | | |
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Flacer Flower

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P.O. BOX 500 • ONE HARBOR DRIVE
SAUSALITO, CA 94966

⑈012900⑈ ⑆121140218⑆ 050660246⑈

FRANKFURT, GARBUS, KLEIN & SELZ
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
488 MADISON AVENUE
NEW YORK, NEW YORK 10022
(212) 980-0120

September 29, 1994

Via Federal Express

Mr. Gaetano Kazuo Maida
Director
Point Foundation
2550 Ninth Street
Berkeley, CA 94710-2552

Re: Trademark/Service Mark Applications
Mark: WHOLE EARTH CATALOG
Client/Matter 05421-0300

Dear Mr. Maida:

It was a pleasure speaking with you yesterday. Per our conversation, enclosed are the eight applications for the marks "WHOLE EARTH CATALOG" and "WHOLE EARTH REVIEW" to be filed in the United States Patent and Trademark Office.

The applications have been amended to reflect the changes we discussed. You will note that Peggy Lauer's name has been added to the all of the applications as President of Point Foundation. Also, for the "WHOLE EARTH REVIEW" applications, the description of goods now reads "National general interest magazine". The date December 1984 has also been added as the date of first use.

If everything else is in order, please have Ms. Lauer sign and date the documents in the appropriate spaces and return them to my attention. Also, please enclose eight separate checks in the amount of $245.00 each made payable to the "Commissioner of Patents and Trademarks" to cover the filing fees. In addition, as we discussed, please include the black and white drawings of the logos.

If you have any questions or comments, please do not hesitate to call me at (212) 826-5573.

Sincerely yours,

Hayley Matcovsky
Legal Assistant

Encl.

cc: Edward H. Rosenthal, Esq.
Jaime Wolf, Esq.

TRADEMARK APPLICATION,
PRINCIPAL REGISTER,
WITH DECLARATION

WHOLE EARTH CATALOG and Design
International Class: 16

To the Commissioner of Patents and Trademarks:

Point Foundation, a not-for-profit corporation organized under the laws of the State of California with offices located at 27 Gate Five Road Sausalito, CA 94965, identified as Applicant herein, has adopted and is using the trademark shown in the accompanying drawing herein, for the following goods:

Series of Books

and requests that said mark be registered in the United States Patent and Trademark office on the Principal Register established by the Act of July 5, 1946, 15 U.S.C. §1051 et seq. as amended.

The mark was first used in connection with the goods as early as 1968; was first used in connection with the services rendered in interstate commerce as early as 1968; and is now in use in such commerce. The mark is used on the goods themselves. Three specimens showing the mark in use are presented herewith.

## POWER OF ATTORNEY

The undersigned hereby appoints as its attorney Edward H. Rosenthal, c/o Frankfurt, Garbus, Klein & Selz, P.C., 488 Madison Avenue, New York, New York 10022, with full power of substitution, association and revocation, to prosecute this Application to register and to transact all business in the United States Patent and Trademark office in connection herewith, and to receive the Certificate of Registration.

Please direct all correspondence and telephone calls to Edward H. Rosenthal, c/o Frankfurt, Garbus, Klein & Selz, P.C., 488 Madison Avenue, New York, New York 10022, telephone number (212) 980-0120.

## DECLARATION

Peggy Lauer, hereby warned that willful and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom, declares that she is the President of the applicant herein; she believes said applicant to be the owner of the mark sought to be registered; to the best of her knowledge and belief no

other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true, and that all statements made on information and belief are believed to be true.

POINT FOUNDATION

By: _____
Peggy Lauer, President

DATE: _____

Point Foundation
27 Gate Five Road
Sausalito, CA 94965

First Use: As early as 1968

Frst Use in Commerce: As early as 1968

Goods: Series of Books

FRANKFURT, GARBUS, KLEIN & SELZ
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
488 MADISON AVENUE
NEW YORK, NEW YORK 10022
(212) 980-0120

September 22, 1994

Via Federal Express

Mr. Gaetano Kazuo Maida
Director
Point Foundation
2550 Ninth Street
Berkeley, Ca 94710-2552

Re: Trademark Application
Mark: WHOLE EARTH CATALOG
Mark: WHOLE EARTH REVIEW
Client/Matter 05241-0300

Dear Mr. Maida:

Per your request enclosed are four actual use applications for the above marks to be filed in the United States Patent and Trademark Office. The applications for "WHOLE EARTH CATALOG" and "WHOLE EARTH CATALOG and Design" are to be filed in Class 16 for a "Series of books" and the applications for "WHOLE EARTH REVIEW" and "WHOLE EARTH REVIEW and Design" are also to be filed in Class 16 for a "National monthly general interest magazine".

Please review the applications carefully, especially the description of goods. If all is in order, please sign and date the documents in the appropriate spaces and return them to my attention. In addition, please enclose four separate checks in the in the amount of $245.00 each made payable to the "Commissioner of Patents and Trademarks" to cover the filing fee.

You should note that we did not have the date of first use for "WHOLE EARTH REVIEW". Accordingly, please fill in the appropriate month and year on the blank spaces on the applications.

In addition, we will need black and white drawings for the applications that include the "earth" design. Please call Ned Rosenthal or me so we can discuss the Trademark Office's drawing requirements in further detail.

If you have any questions regarding any of these applications, please do not hesitate to call me at (212) 826-5573.

Sincerely yours,

Hayley Matcovsky

Hayley Matcovsky
Legal Assistant

HM:mc
Encl.

cc: Edward H. Rosenthal, Esq.
Jaime Wolf, Esq.

*TRADEMARK APPLICATION,*
*PRINCIPAL REGISTER,*
*WITH DECLARATION*

***WHOLE EARTH CATALOG and Design***
*International Class: 16*

*To the Commissioner of Patents and Trademarks:*

*Point Foundation, a not-for-profit corporation organized under the laws of the State of California with offices located at 27 Gate Five Road Sausalito, CA 94965, identified as Applicant herein, has adopted and is using the trademark shown in the accompanying drawing herein, for the following goods:*

*Series of Books*

*and requests that said mark be registered in the United States Patent and Trademark office on the Principal Register established by the Act of July 5, 1946, 15 U.S.C. §1051 et seq. as amended.*

*The mark was first used in connection with the goods as early as 1968; was first used in connection with the services rendered in interstate commerce as early as 1968; and is now in use in such commerce. The mark is used on the goods themselves. Three specimens showing the mark in use are presented herewith.*

## POWER OF ATTORNEY

The undersigned hereby appoints as its attorney Edward H. Rosenthal, c/o Frankfurt, Garbus, Klein & Selz, P.C., 488 Madison Avenue, New York, New York 10022, with full power of substitution, association and revocation, to prosecute this Application to register and to transact all business in the United States Patent and Trademark office in connection herewith, and to receive the Certificate of Registration.

Please direct all correspondence and telephone calls to Edward H. Rosenthal, c/o Frankfurt, Garbus, Klein & Selz, P.C., 488 Madison Avenue, New York, New York 10022, telephone number (212) 980-0120.

## DECLARATION

John S. Sumser, hereby warned that willful and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom, declares that he is the Executive Director of the applicant herein; he believes said applicant to be the owner of the mark sought to be registered; to the best of his knowledge and

*belief no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true, and that all statements made on information and belief are believed to be true.*

*POINT FOUNDATION*

*By:* _____
*John S. Sumser*
*Executive Director*

*DATE:* _____

*Point Foundation*
*27 Gate Five Road*
*Sausalito, CA 94965*

*First Use:*
*First Use in Commerce:*

*Goods:* *Series of Books*

LEGACY PRODUCTIONS

20 June 1994/via fax: one page only/ confidential

Michael P. Frankfurt
FRANKFURT, GARBUS, KLEIN & SELZ, P.C.
485 Madison Avenue
New York, NY 10022

Re: *Whole Earth Catalog*

Dear Michael:

Thank you for the call and the benefit of your thoughts.

I conferred by phone today with John Sumser, Executive Director of POINT FOUNDATION, and he has authorized me to proceed with engaging your firm to establish the trademark(s) for *Whole Earth Catalog* and its derivatives, and to formalize the rights agreement and exclusive agency now in place between POINT and LEGACY.

Please initiate the process from your end immediately and let me know what you need from us. I look forward to working together with you and your associates, and I have the sense we will have much to do beyond this phase.

Best,

Tano

Gaetano Kazuo Maida
*Producer*

2550 NINTH STREET BERKELEY, CA 94710-2552 USA TELEPHONE:510.848.8300 FACSIMILE:510.848.8319